

Message Text

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ACTION SCS-03

INFO OCT-01 ARA-06 ISO-00 SCA-01 DHA-02 H-02 L-03 PRS-01

SY-05 CIAE-00 INR-07 NSAE-00 FBIE-00 USSS-00 NSC-05

SS-15 INRE-00 NSCE-00 SSO-00 PA-01 USIE-00 /052 W

----- 063400

O 092127Z AUG 76

FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC IMMEDIATE 6682

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E.O. 11652: N/A

TAGS: CASC, PFOR, AR (WEEKS, JAMES MARTINE)

SUBJECT: W/W: ARREST: U.S. PRIEST, JAMES MARTIN WEEKS

REF: (A) BUENOS AIRES 5124, (B) RONDON/EMBASSY TELECONS

1. IN RESPONSE TO EMBASSY INQUIRIES REPORTED IN REF A,
SOURCES IN MINISTRY OF INTERIRO INDICATED TO EMBASSY ON AUGUST 5
THAT FATHER WEEKS BEING HELD IN CENTRAL POLICE HEADQUARTERS IN
CORDOBA FOR "BACKGROUND CHECK" (INVESTIGACION DE ANTECEDENTES).
POL COUNSELOR RAISED MATTER WITH FOREIGN MINISTRY SAME DAY,
INDICATING EMBASSY'S GRAVE CONCERN AND THAT LATTER WOULD WISH
IMMEDIATE CONSULAR ACCESS TO WEEKS IF HE STILL IN CUSTODY
(THERE WAS STRONG RUMOR THAT DAY THAT HE WOULD BE OR ALREADY
HAD BEEN RELEASED). HAVING CONFIRMED THAT FATHER WEEKS WAS STILL
DETAINED, ON THE MORNING OF AUGUST 6 THE EMBASSY REQUESTED
IMMEDIATE CONSULAR ACCESS TO HIM, INDICATING CONSULAR OFFICER
PREPARED TO TRAVEL THAT DAY OR OVER WEEKEND. MEANWHILE,
CONSULAR OFFICER SPOKE TO FATHER BIRON IN CORDOBA (LATTER ALSO OF
LASALETTE NOVITIATE) WHO INDICATED HE HAD TAKEN BREAKFAST
TO WEEKS THAT MORNING AND THAT LATTER OK. EMBASSY ALSO SPOKE
TO CORDOBA PROVINCIAL POLICE CHIEF PERIODIN SEVERAL TIMES
ON AUGUST 6. LATTER INDICATED WEEKS IN GOOD HEALTH AND LATE
IN AFTERNOON TOLD CONS OFFICER POLICE INVESTIGATION COMPLETED.
ACCORDING TO PERIODIN, CHILEAN SEMINARIAN HAD BEEN IN POSSESSION
OF "MONTONERO RECORDING MADE IN CHILE EXPOUNDING MARXIST
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PHILOSOPHY AND CRITICAL OF YANKEE IMPERIALISM AND CIA."

PERIODIN OPINED (UNOFFICIALLY) THAT WEEKS "MUST HAVE BEEN AWARE OF RECORDING."

2. AT APPROXIMATELY 1800 HOURS AUGUST 6, OFFICERS OF NORTH AMERICAN DESK CALLED POL COUNSELOR TO SAY THAT WEEKS BEING INVESTIGATED FOR SUBVERSIVE ACTIVITY AND WAS BEING HELD INCOMMUNICADO. SO LONG AS HE SO HELD, OFFICER STATED, CONSULAR OFFICER COULD NOT VISIT HIM. POL COUNSELOR SAID USG COULD NOT ACCEPT HTAT POSITION, THAT VIENNA CONVENTION WAS CLEAR ON THE SUBJECT AND THAT REFUSAL TO PERMIT ACCESS COULD ONLY BE SEEN AS VIOLATION OF ITS PROVISIONS WHICH COULD HAVE SERIOUS REPERCUSSIONS. HE THEREFORE URGED FOREIGN MINISTRY TO "REVIEW ITS POSITION."

3. WHEN CHARGE D'AFFAIRES RAISED SUBJECT WITH MINISTRY'S CHIEF OF LEGAL AFFAIRES LATER IN EVENING, HOWEVER, HE FOUND GOA'S POSITION UNCHANGED. ESSENTIALLY, GOA IS INSISTING THAT VIENNA CONVENTION PROVIDES FOR CONSULAR ACCESS IN ACCORDANCE WITH LAWS OF HOST COUNTRY AND THAT STATE OF INCOMMUNICATION HAS LONG BEEN PART OF ARGENTINE PENAL LAW. CHARGE REJECTED THIS INTERPRETATION, STATING THAT IT CLEARLY VIOLATED INTER-NATIONAL PRACTICE. HE VERBALLY PROTESTED DENIAL OF CONSULAR ACCESS AND STATED THAT IN THE ABSENCE OF SOME CHANGE IN GOA'S POSITION, A FORMAL DIPLOMATIC PROTEST NOTE WOULD FOLLOW.

4. PRESS ON AUGUST 7 REPORTED ARMY COMMUNIQUE ISSUED IN CORDOBA STATING THAT FATHER WEEKS AND FIVE "ALLEGED SEMINARIANS" HAD BEEN CAPTURED IN HOUSE IN WHICH "MARXIST-LENINIST BIBLIOGRAPHY AND A RECORD WITH SUBVERSIVE SONGS" HAD BEEN FOUND.

5. ON MORNING OF AUG 9, EMBASSY CONTACTED FOREIGN MINISTRY AND WAS INFORMED LATTER CONTINUED TO ADHERE TO POSITION ENUNCIATED ON AUG 6. ACCORDINGLY, AFTER CONSULTING WITH DEPT, EMBASSY PRESENTED FOLLOWING NOTE:
QUOTE THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS COMPLIMENTS TO THEMINISTRY OF FOREIGN AFFAIRS AND WORSHIP OF THE ARGENTINE REPUBLIC AND HAS THE HONOR TO REFER TO THE CASE OF FATHER JAMES MARTIN WEEKS, AN AMERICAN CITIZEN, WHO HAS BEEN DETAINED BY ARGENTINE AUTHORITIES IN THE CITY OF LIMITED OFFICIAL USE

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CORDOBA SINCE AUGUST 3.

THE EMBASSY WAS NOT INFORMED BY THE GOVERNMENT OF ARGENTINA THAT FATHER WEEKS HAD BEEN ARRESTED. UPON LEARNING THROUGH PRIVATE CITIZENS OF HIS ARREST, THE EMBASSY RAISED THE MATTER WITH THE FOREIGN MINISTRY AND ON AUGUST 6 OFFICIALLY REQUESTED AUTHORIZATION TO SEND A CONSULAR OFFICER TO CORDOBA TO SEE FATHER WEEKS. THE MINISTRY'S REPLY WAS THAT FATHER

WEEKS WAS BEING HELD INCOMMUNICADO AND THAT IN ACCORDANCE WITH ARGENTINE LAW A CONSULAR OFFICER COULD NOT VISIT HIM SO LONG AS HE WAS BEING SO HELD. THE EMBASSY WAS INFORMED BY REPRESENTATIVES OF THE FOREIGN MINISTRY ON THE MORNING OF AUGUST 9 THAT THIS POSITION REMAINS UNCHANGED.

THUS, THE GOVERNMENT OF ARGENTINA HAS DENIED THE EMBASSY CONSULAR ACCESS TO AN AMERICAN CITIZEN. THE EMBASSY WISHES TO PROTEST IN STRONGEST TERMS THIS VIOLATION OF THE 1963 VIENNA CONVENTION ON CONSULAR RELATIONS TO WHICH THE US AND ARGENTINA ARE PARTIES. ARTICLE 36, PARAGRAPH 1, SUB-PARAGRAPH (A) STATES QUITE CLEARLY THAT CONSULAR OFFICERS SHALL BE FREE TO COMMUNICATE WITH NATIONALS OF THE SENDING STATE AND TO HAVE ACCESS TO THEM. NATIONALS OF THE SENDING STATE SHALL HAVE THE SAME FREEDOM WITH RESPECT TO COMMUNICATION WITH AND ACCESS TO CONSULAR OFFICERS OF THE SENDING STATE. PARAGRAPH 2 OF ARTICLE 36 DOES INDICATE THAT THE RIGHT IS EXERCISED IN CONFORMITY WITH THE LAWS AND REGULATIONS OF THE RECEIVING STATE; HOWEVER, THOSE LAWS MUST ENABLE FULL EFFECT TO BE GIVEN TO THE PURPOSES FOR WHICH THE RIGHTS ACCORDED UNDER THIS ARTICLE ARE INTENDED.' IN OTHER WORDS, THE LAWS OF THE COUNTRY MUST BE CONSISTENT WITH ARTICLE 36.

CONTINUED DENIAL OF CONSULAR ACCESS COULD BE HARMFUL TO THE EXCELLENT RELATIONS NOW EXISTING BETWEEN OUR TWO COUNTRIES. THE EMBASSY URGES THE FOREIGN MINISTRY TO REEXAMINE ITS POSITION IN THIS CASE AND TO AUTHORIZE IMMEDIATE CONSULAR ACCESS TO FATHER WEEKS.

THE EMBASSY OF THE UNITED STATES OF AMERICA TAKES THIS OPPORTUNITY TO RENEW TO THE MINISTRY THE ASSURANCES OF ITS HIGHEST CONSIDERATION. UNQUOTE

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6. EMBASSY IS REFERRING ALL PRESS INQUIRIES REGARDING THIS CASE TO DEPARTMENT.

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Message Attributes

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TAGS: CASC, PFOR, AR, US, (WEEKS, JAMES MARTINE)
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